

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-4 and 10 have been amended, and claims 5-9 and 11 have been cancelled. Support for the amendments is provided for example in the original claims, Fig. 5B, and paragraphs [0078]-[0086] of the published specification. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 1-3, 5, and 7-11 were rejected, under 35 USC §102(e), as being anticipated by Li et al. (US 6,904,283). Claim 4 was rejected, under 35 USC §103(a), as being unpatentable over Li in view of Todd (US 5,357,284). Claim 6 was rejected, under 35 USC §103(a), as being unpatentable over Li in view of Sakamoto (US 6,816,453). To the extent that these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses as follows.

Claim 1 now recites subject matter of cancelled claims 5 and 6 and defines a multicarrier communication apparatus that evenly distributes power to each subcarrier of a subcarrier group such that the amount of power distributed corresponds to a difference between the combined receive power for the subcarrier group at a remote communication station and a desired target receive power. The claimed subject matter provides an advantage of reducing the range of fluctuation of required transmission power and reducing the amount of feedback required for converging the actual and desired reception power for a group of subcarriers (see paragraph [0087] of the published specification).

The Final Rejection proposes that Li discloses selecting a cluster of subcarriers based on a difference between a combined receive power and a desired target receive power for the cluster (see Final Rejection page 3, last two paragraphs). Although Li may disclose selecting a cluster of subcarriers based on a power difference, Li does not disclose the Applicant's claimed subject matter of distributing power based on such a difference.

More specifically, claim 1 recites distributing power to each subcarrier of a subcarrier group such that the amount of power distributed corresponds to a difference between the combined receive power for the subcarrier group at a remote communication station and a desired target receive power. Li does not disclose distributing power among subcarriers of a selected cluster, as acknowledged by the Final Rejection (see Final Rejection section 6, fourth paragraph), and thus cannot do so based upon a determined power difference.

Although the Final Rejection proposes that Sakamoto discloses changing the power of subcarriers within a group (see Final Rejection section 6, fifth paragraph), Sakamoto does not disclose the Applicant's claimed subject matter of distributing power to each subcarrier of a subcarrier group such that the amount of power distributed corresponds to a difference between the combined receive power for the subcarrier group at a remote communication station and a desired target receive power. And the Final Rejection does not propose otherwise.

Moreover, Sakamoto discloses, in Fig. 7, that each of the four subcarriers within any group is transmitted with the same amount of power (see Sakamoto col. 10, lines 29-33). The Applicant's claimed subject matter does not require the subcarriers of a group to have the same amount of transmission power. Instead, each of the instant claimed subcarriers of a group can

have different transmission power, though each subcarrier of the group is controlled to receive an equal distribution of additional or less power.

For example, in a non-limiting embodiment of the invention, suppose a subcarrier group of claim 1 has two subcarriers and one subcarrier is assigned 8 units of transmission power and the other subcarrier is assigned 2 units of transmission power. If the difference between the combined receive power for the subcarrier group at a remote communication station and the desired target receive power corresponds to -2 units of transmission power, then each of the two subcarriers would receive an even distribution of 2 units of power. As a result, the first subcarrier of the group would now be assigned 9 units of transmission power and the second subcarrier would be assigned 3 units of transmission power. The difference in transmission power between the first and second subcarriers would now be a factor of three, whereas before the change, the difference was a factor four.

The Applicant's claimed subject matter, as exemplified above, provides an advantage of reducing the fluctuation of transmission power among subcarriers of a group in a manner that cannot be achieved by the combined teachings of Li and Sakamoto.

Accordingly, the Applicants submit that the teachings of Li and Sakamoto, even if combined as proposed in the Final Rejection, still would lack the above-noted features of claim 1, and thus these references, considered individually or in combination, do not render obvious the subject matter now defined by claim 1. Independent claim 10 now similarly recites the above-mentioned subject matter distinguishing apparatus claim 1 from the applied references, but with respect to a method. Therefore, allowance of claims 1 and 10 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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